

WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE

A PROFESSIONAL LIMITED  
LIABILITY COMPANY

300 North Greene Street  
Greensboro, North Carolina 27401  
Telephone: (336) 574-8030  
Fax: (336) 574-4520  
Web Site: [www.wcsr.com](http://www.wcsr.com)

RECEIVED  
CENTRAL FAX CENTER

APR 28 2005

Janet L. Thomas  
Paralegal

Direct Dial: (336) 574-8032  
Direct Fax: (336) 574-4550  
E-mail: [jthomas@wcst.com](mailto:jthomas@wcst.com)

## FACSIMILE

April 28, 2005

Number of  
Pages, including  
this sheet: 4

Please call the following number if the  
message you receive is incomplete or not  
legible: (336) 574-8032

Attorney Docket No.: G4500-022  
(04500.0038.8)

To:

Company:

Fax:

Phone:

Commissioner for Patents

USPTO

703-872-9306

### MESSAGE:

RECEIVED  
APR 29 2005  
OIPR/JCV/S

WINSTON 1426437v1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/607,092  
Applicant: Willis D. Campbell, et al.  
Filed: June 26, 2003  
Art Unit No.: 1771  
Examiner: Norca Liz Torres Velazquez  
Docket No.: G4500-022 (04500.0038.8)  
Customer No.: 26158

Confirmation No. 5366

RECEIVED  
CENTRAL FAX CENTER  
APR 28 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF FACSIMILE TRANSMISSIONDate of Transmission: 4/28/05

I hereby certify that this document, which is a Terminal Disclaimer, along with Transmittal Letter (Our File No. G4500-022 (04500.0038.8), is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9306) under 37 C.F.R. 1.6 and 1.8 on the date indicated above.

Transmitted by:

  
Jan L. Thomas

WINSTON 1426415v1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/607,092

Confirmation No. 5366

Applicant: Willis D. Campbell, et al.

Filed: June 26, 2003

Art Unit No.: 1771

Examiner: Norca Liz Torres Velazquez

Docket No.: G4500-022 (04500.0038.8)

Customer No.: 26158

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

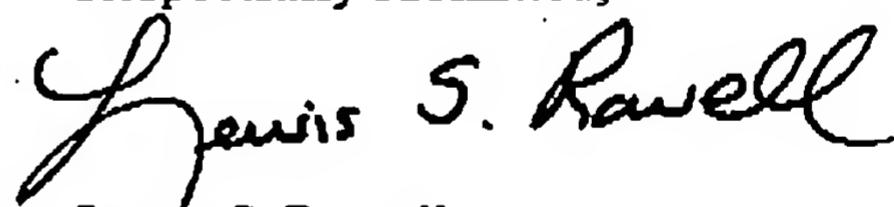
## TRANSMITTAL LETTER

Sir:

Responsive to the Examiner's request in a teleconference on April 27, 2005, enclosed is a Terminal Disclaimer to obviate a double patenting rejection over U.S. Patent No. 6,787,228. Applicant's submittal thereof, however, is not to be construed that Applicant agrees with the Examiner's requirement for a Terminal Disclaimer.

The Commissioner is authorized to charge the required fee of \$130 under 37 C.F.R. 1.20(d), and any additional fees that may be required, to Deposit Account 09-0528.

Respectfully submitted,



Lewis S. Rowell  
Registration No. 45,469  
C. Robert Rhodes  
Registration No. 24,200  
Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, Georgia 30357-0037  
336-574-8090

4/28/05

Date: \_\_\_\_\_

WINSTON 1426399v1

APR 28 2005

PTO/SB/25 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
G4500-022 (04500.0038.8)

In re Application of: Willis D. Campbell et al.

Application No.: 10/607,092

Filed: June 26, 2003

For: FLAME-RESISTANT, HIGH VISIBILITY, ANTI-STATIC FABRIC AND APPAREL FORMED THEREFROM

The owner\*, Glen Raven, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,787,228 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

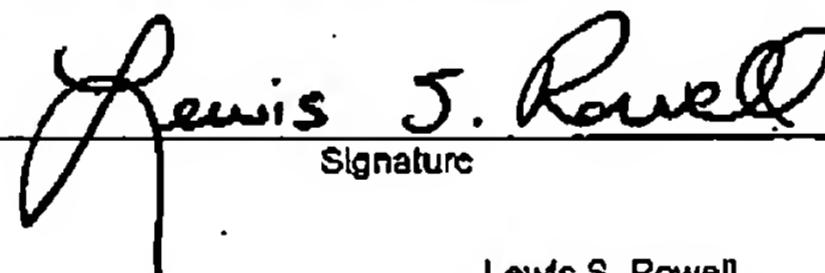
expires for failure to pay a maintenance fee;  
is held unenforceable;  
is found invalid by a court of competent jurisdiction;  
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 45,469



Signature

4/28/05

Date

Lewis S. Rowell  
Typed or printed name(336) 574-8090  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.